

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DARRYL ORRIN BAKER,

Plaintiff,

FILED

VS.

UNITED STATES OF AMERICA
GOVERNMENT OFFICIALS AT
FCI-MCKEAN, WARDEN, OFFICER
B. WESEMEN, MEDICAL DEPARTMENT,

06 FEB 28 10:38
CLERK
U.S. DISTRICT COURT

CIVIL ACTION NO. 05-147E

JUDGE MC LAUGHLIN
MAGISTRATE JUDGE PARADISE
BAXTER

Defendant's.

PLAINTIFF'S OPPOSITION TO THE DEFENDANT'S
RESPONSE TO PLAINTIFF'S MOTION TO AMEND
SECOND AMENDED COMPLAINT

AND NOW, come the Plaintiff, DARRYL ORRIN BAKER, (hereinafter "PLAINTIFF"), and proceeding pro-se and request that this Honorable Court deny the Defendant's invitation for 10 days to respond to Plaintiff's Second Amended Complaint, for the reasons that follow:

(1) That this Honorable Court Ordered the Defendant's to file a responsive pleading before February 14, 2006, and the Defendant's has not followed this Court's order. See (attachment 1)

(2) The Defendant's has had ample time to respond to the Plaintiff's Second Amended Complaint after this Honorable Court granted the Plaintiff's Second Amended Complaint.

(3) By the Defendant's not complying with this Court's Order, which is prejudicing the Plaintiff, the Defendant's "want there cake and eat it too".

(4) Therefore, the Plaintiff request that this Honorable Court deny the Defendant's invitation and construe this Defendant's response to the Plaintiff's Second Amended Complaint as an answer to this Court's Order.

Respecfully submitted

BY: Darryl Baker
DARRYL ORRIN BAKER
(PRO-SE)
Reg. No. # 19613-039
Federal Prison Camp
P.O. Box 2000
Lewisburg, PA.
17837

EXECUTED: FEBRUARY 21, 2006

CONCLUSION

The Plaintiff request that this Honorable Court grant this motion to the Defendant's Response to the Plaintiff's Second Amended Complaint because the Defendant's have not complied with this Honorable Court's Order.

Respectfully submitted

BY: Darryl Baker
DARRYL ORRIN BAKER
(PRO-SE)
Reg. No. # 19613-039
Federal Prison Camp
P.O. Box 2000
Lewisburg, PA.
17837

EXECUTED: FEBRUARY 21, 2006

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have sent a true and exact copy of the Plaintiff's Opposition to the Defendant's Response to Plaintiff's Motion to Amend Second Amended Complaint United States First Class Mail this day February 21, 2006 to the following.

Assistant United States Attorney
Paul E. Skirtich
Western District of PA
700 Grant Street, Suite 4000
Pittsburgh, PA
15219

Respectfully submitted

BY: Darryl Baker
DARRYL ORRIN BAKER
(PRO-SE)
Reg. No. # 19613-039
Federal Prison Camp
P.O. Box 2000
Lewisburg, PA.
17837

EXECUTED: FEBRUARY 21, 2006

February 21, 2006

Clerk of the Court
Susan Paradise Baxter
Chief United States Magistrate Judge
United States District Court
Western District of Pennsylvania
17 South Park Row, Room A280
Erie, PA. 16501

RE: CIVIL ACTION NO. 05-147E

Dear Clerk of Court:

Please find inside the Plaintiff's Opposition to the Defendant's Response to Plaintiff's Motion to Amend Second Amended Complaint.

Also, please find that the Plaintiff has served the Defendant's Assistant United States Attorney Paul E. Skirtich a copy of the same, United States First Class Mail.